IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23435 of 2004

Between:

A.P.Mohammad, s/o Sri Dowlath Saheb, Retired Surveyor,
Survey and Land Records, r/o D.No.28/3/889,

Engineering College Road, Anantapur, Anantapur District.

..... PETITIONER

AND

1 The Special Commissioner and Director of Survey

(Settlement and Land Records),
Gagan Vihar, 4th Floor, M.J.Road, Andhra Pradesh,

Hyderabad.
2 The Regional Deputy Director, Survey and Land Records,
Opp.Mosque, Nandyal Road, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of certiorari, to call for the records pertaining the order dt.15-3-2004 passed in OA No.3124/1999 by the Hon'ble A.P.Admn.Tribunal, Hyderabad and quash the same in so far as mentioning the designation of the petitioner as Surveyor instead of Deputy Surveyor for the purpose of consideration for promotion etc., as illegal, arbitrary and consequently set aside the- proceedings of the 2nd respondent vide D.Dis.211/04(A2)dt.20-7-2004 and to grant such other relief or reliefs.

Counsel for the Petitioner: MR.K.RAM REDDY

Counsel for the Respondents: GP FOR SERVICES-II

The Court at the stage of admission made the following:

ORAL ORDER:- (PER GB,J)

The Writ Petition is filed against the order, dated 15.3.2004 passed by the A.P. Administrative Tribunal in O.A.No.3124 of 1999.

2. The relief asked for is very limited one. The petitioner seeks to replace the expression appearing as 'Surveyor' instead of 'Deputy Surveyor'. The tribunal however granted the relief to the petitioner as under:

> "In view of this, the Special Commissioner and Director of Survey, Settlement and Land Records, is directed to pass necessary orders regarding the claim of the applicant for his promotion based on the seniority in the cadre of Surveyor, duly taking into consideration the suitability or otherwise of the applicant for such promotion and communicate the orders to the applicant within three months from the date of receipt of a copy of this order."

3. The learned counsel for the petitioner submits that seniority has to appear in the cadre of Deputy Surveyor and not to Surveyor and therefore, the order requires modification.

4. We are afraid we cannot accept this contention raised by the learned counsel. However, it is for the petitioner to make appropriate application before the Tribunal, if there is any clerical omissions or commissions.

5. Under those circumstances, we are not inclined to interfere with the order passed by the Tribunal. However, we leave it open to the petitioner to file a review, if he so chooses.

6. Accordingly, the Writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J.

P.S. NARAYANA, J.

Date:30.12.2004

ES

To

1 The Registrar, A.P. Administrative Tribunal, Hyderabad.

2 The Special Commissioner and Director of Survey

(Settlement and Land Records), Gagan Vihar, 4th Floor, M.J.Road, Andhra Pradesh, Hyderabad.

3 The Regional Deputy Director, Survey and Land Records,
Opp. Mosque, Nandyal Road, Kurnool, Kurnool District.

4 2 CCs to the G.P for Services-II, High Court Buildings, Hyderabad (O.U.T).

5 2 CD copies.